IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20327 of 2004

Between:

D. Narasimhulu S/o D. Subbarayudu,
R/o Musali Reddigaripalle Village, Yendapalle Post,

Rayachoti Mandal,
Kadapa District.

..... PETITIONER

AND

1 Joint Collector, Kadapa, Kadapa District.
2 The Revenue Divisional Officer, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly, one in the nature of Writ of Mandamus declaring the action of the 1st respondent in passing the impugned order under proceedings L.Dis.No. I(3)/2704/2004 dt 12-10-2004 as illegal, arbitrary and violative of the articles of the Constitution of India and consequently suspend the proceedings of the 2nd respondent passed under Ref. C/709/2004 dated 07-09-2004.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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ORDER:

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Aggrieved by the order dated 12-10-2004, passed by the 1st respondent-Joint Collector, Kadapa, this writ petition is filed.

The petitioner is an authorized dealer of a Fair Price shop of Peddakaluvapalle, Rayachoti Mandal, Kadapa District. The authorization of the petitioner was suspended by the 2nd respondent-Revenue Divisional Officer, Kadapa by an order dated 07-09-2004, pending enquiry into the alleged irregularities in distribution of the commodities. Against the said order, the petitioner preferred an appeal before the 1st respondent. The 1st respondent having entertained the appeal, while rejecting the request of the petitioner for grant of stay, disposed of the appeal with a direction to the 2nd respondent to complete the enquiry within four weeks.

Learned counsel for the petitioner vehemently contended that the impugned order passed by the 1st respondent without notice to the petitioner and without referring to any one of the contentions raised in the appeal, is arbitrary and illegal and cannot be

sustained.

A mere perusal of the impugned order dated 12-10-2004 makes it clear that the petitioner was not heard before disposing the Appeal. It is also clear that the impugned order is devoid of any reasons. The first respondent while disposing of the Statutory Appeal, ought to have gone into the question whether in the facts and circumstances of the case the suspension of authorization is warranted till the completion of the enquiry. Since no such finding was recorded, the impugned order cannot be sustained.

Accordingly, the order dated 12-10-2004 is set aside, and the writ petition is disposed of with a direction to the 1st respondent to consider the appeal afresh and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. No costs.

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05-11-2004

Note: Issue C.C in four days.

B/o.

vs

To

1 Joint Collector, Kadapa Kadapa District
2 The Revenue Divisional Officer, Kadapa, Kadapa District

3 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

4 2CD copies